

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35952 of 2022

Arising Out of PS. Case No.-539 Year-2018 Thana- BIDUPUR District- Vaishali

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KUNDAN KUMAR @ KUNDAN SINGH @ RAJESH KUMAR Son of
Rambabu Singh Resident of village - Gopalpur @ Gopalpur Chaknai, P.S.-
Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bidupur P.S. Case No. 539 of 2018 registered for the alleged offences under Sections 420 and 120(B) of the Indian Penal Code and Section 72 of J.J. Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police received secret information that liquor was being brought and sold by the petitioner and other co-accused persons. A raid was conducted



on the house of this petitioner and recovery of 1175 liters India made foreign liquor was made. The petitioner was apprehended prior to the raid on his house.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and he has been falsely implicated in this case. The place from which recovery has been made is a joint house and the petitioner has no concern with the allegedly recovered liquor. No recovery has been made from the conscious possession of the petitioner and he is in custody since 19.03.2022. Charge sheet has been submitted in against him.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that recovery has been made from the house of the petitioner who is having seven cases of similar nature pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact of submission of charge sheet along with the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1,



Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 539 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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